



Legislative Bulletin.....July 22, 2005

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H.R. 3070 - National Aeronautics and Space Administration Authorization Act of 2005

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 6 new programs, with the option of creating 8 additional new programs or initiatives.

Total Cost of Discretionary Authorizations: \$33.43 billion over 2 years*

*The manager's amendment increases total authorizations by \$1.259 billion (from \$33.43 billion to \$34.69 billion)

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 3070 National Aeronautics and Space Administration Authorization Act of 2005 (Calvert)

Order of Business: The bill is scheduled for consideration on, Friday, July 22, 2005, under a structured rule.

Summary: H.R. 3070 reauthorizes for two years, the National Aeronautics and Space Administration (NASA) at \$16.47 billion for FY06 and \$16.96 billion for FY07.

Note: The manager’s amendment increases total authorizations by \$1.259 billion (from 33.43 billion to 34.69 billion): FY06 by \$494.6 million (from \$16.47 billion to \$16.96 billion) and FY07 by \$764.8 million (from \$16.9 billion to \$17.72 billion). The FY06 increase would authorize \$490 million more than the House-passed FY06 \$16.47 billion.

Recent NASA Appropriations:

FY00: \$13.601 billion (authorized at \$13.625 billion)
 FY01: \$14.230 billion (authorized at \$13.747 billion)
 FY02: \$14.868 billion (authorized at \$13.839 billion)
 FY03: \$15.364 billion (unauthorized)
 FY04: \$15.379 billion (unauthorized)
 FY05: \$16.197 billion (includes \$126 million in emergency hurricane supplemental appropriations)
 FY06 House-passed: \$16.47 billion (an increase of \$274 million over FY05, and \$15 million more than the Administration requested)

Specific Authorization Levels in H.R. 3070

(In millions)

Category	FY06	FY07
Science, Aeronautics and Education	\$6,870	\$7,331
- <i>Aeronautics</i>	\$962	\$990
- <i>Hubble Telescope Mission</i>	\$150	\$0
- <i>National Space Grant College</i>	\$24	\$24
Exploration Systems	\$3,181	\$3,589
Space Operation	\$6,387	\$6,007
Inspector General	\$32.4	\$33.5
Total	\$16.47 billion	\$16.96 billion

H.R. 3070 includes the finding that the “President’s vision of returning humans to the Moon and working toward a sustainable human presence there and then venturing further into the solar system provides a sustainable rationale for the United States human space flight program.” Additionally, the Act asserts, “the United States should honor its international commitments to the International Space Station program, [and] an important part of NASA’s mission is education and outreach.”

H.R. 3070 outlines the following goals for NASA space exploration:

- Returning Americans to the Moon no later than 2020;
- Launching the Crew Exploration Vehicle as close to 2010 as possible;
- Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available; and
- Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.
- The bill also prohibits NASA from entering into a contract for the Crew Exploration Vehicle until at least 30 days after the Administrator has submitted to Congress a report outlining the expected cost of the Crew Exploration Vehicle and the expected

budgets for each fiscal year through fiscal year 2020 for human space exploration, aeronautics, space science, and earth science.

Aeronautic and Science Policy Directives

H.R. 3070 directs the President, through NASA and consultation with academic and industry experts, to develop a national *aeronautics* policy to serve as an aeronautics program guide through 2020.

The reauthorization also directs the NASA Administrator to develop a *science* policy to serve as a guide for NASA science programs through 2016. Among other items, the science policy is also to include plans for a human mission to repair the Hubble Space Telescope.

International Space Station (ISS)

H.R. 3070 repeals a section of the NASA Authorization Act of 2000 which, with certain exceptions:

- provided a \$25 billion cap on ISS costs obligated by NASA;
- capped space shuttle launch costs in connection with the assembly of the ISS at \$17.7 billion, and
- capped costs for any single space shuttle launch at \$380 million.

H.R. 3070 specifies that at least 15 percent of the funds devoted to ISS research must be allocated for research not related to human exploration.

Additional Required Reports

The bill requires the NASA Administrator to perform and submit to Congress, various reports and reviews including the following:

- A plan outlining facilities NASA intends to acquire, significantly modify, lease, sell or close;
- An independent review of the Nation's long-term strategic needs for test facilities;
- An agenda for the International Space Station and its proposed final configuration
- The number of flights the Space Shuttle will make before its retirement, the purpose of those flights, and the expected date of the final flight;
- A plan for the operation of the International Space Station in the event that the Iran Nonproliferation Act of 2000 (INA) is not amended;
 - According to CRS Report RS22072, "A provision of INA bans U.S. payments to Russia in connection with the ISS unless the U.S. President determines that Russia is taking steps to prevent" the proliferation of weapons of mass destruction to Iran. "The ISS is currently under construction in orbit. According to current plans, NASA will become dependent on Russia for certain ISS crew-related services beginning in April 2006 for which NASA must pay. Thus, the INA could significantly affect U.S. utilization of ISS."
- A description of the launch vehicle for the Crew Exploration Vehicle;
- The program goals for Project Prometheus;
- A plan for managing the cost increase for the James Webb Space Telescope;
- A plan for updating the space communications and navigation architecture for both low Earth orbit and deep space exploration;

- A report on plans for a Joint Dark Energy Mission, including estimated cost;
- A plan for providing transition assistance to Space Shuttle contractor personnel upon the eventual retirement of the Space Shuttle, such as job training and relocation programs;
- A study by the Office of Science and Technology Policy to determine if any NASA research and development programs duplicate aspects of programs of other Federal agencies;
- A commercialization plan to support among others, the human missions to the Moon and Mars, including opportunities for partnership between NASA and the private sector; and
- A feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovations of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems.
 - According to www.actionrenewables.org, “Ground source heat pumps can be used to extract heat from the ground and pump it into a building to provide space heating and to pre-heat domestic hot water. In the summer months this process can be reversed to meet the cooling requirements of a building.”

Private Sector Feasibility Study

H.R. 3070 directs the Administrator to conduct a study to determine if any NASA centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center, or through any other mechanism. Specifically, the study is to include, but is not limited to, a recommendation for the operation of each center and provide reasons for that recommendation and a description of the advantages and disadvantages of each mode of operation considered in the study.

Competitive Prize Program

The bill directs the NASA Administrator to establish a new competition in which cash prizes are awarded to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. According to Committee Report 109-173, the prize program is modeled after the privately-funded X-Prize won last year by Burt Rutan with his SpaceShipOne. The bill requires NASA to report to Congress before offering any prize *worth more* than \$10 million.

Pilot Project Grant Program

H.R. 3070 provides for the establishment of new a “program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.” Grant assistance given to a pilot project under this program is limited to three years per project. The bill does not include an authorized funding amount for this project.

Educational Outreach Program

H.R. 3070 provides for the establishment of “an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information.”

George E. Brown, Jr. Near-Earth Object Survey Program

H.R. 3070 directs the Administrator to develop and implement a new Near-Earth Object Survey program to “detect, track, catalogue, and characterize the physical characteristics of near-Earth objects,” which consists of “an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Unites from the Sun.” In the bill’s findings related to the Near-Earth Object Survey, the text states, “Near-Earth objects pose a serious and credible threat to humankind, as scientists are certain that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth’s species, including the dinosaurs, nearly 65,000,000 years ago.”

Charles “Pete” Conrad Astronomy Awards Program

H.R. 3070 directs NASA to establish an awards program to recognize amateur astronomers’ discoveries of near-Earth-orbit asteroids. Each year, assuming eligible discoveries, the program would give two, \$3,000 awards.

Additional NASA Programs and Research Initiatives

H.R. 3070 states the NASA Administrator may establish the following:

- An environmental aircraft research and development initiative;
- An initiative to develop technologies to enable overland flight of supersonic civil transport aircraft, which could carry at least 24 passengers;
- A rotocraft and other runway-independent air vehicles initiative;
- A zero-admissions aircraft research program;
- A program of competitively awarded grants available to teams of researchers;
- A Mars Aircraft project;
- A hypersonics research program; and
- A program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events.

Education and Scholarships

H.R. 3070 provides for the following regarding NASA s education programs:

- Requires the inclusion of Historically Black Colleges and Universities that are Part B institutions, Tribal Colleges or Universities, Alaskan Native, Native Hawaiian, and Hispanic-serving institutions, in the list of small businesses or other organizations owned or controlled by socially and economically disadvantaged individuals, to which NASA has been previously directed to work towards a goal of awarding at least 8 percent of the total value of the agency's contracts;
- Directs NASA to strive to ensure equal access for minority and economically disadvantaged students to NASA s Education programs;
- Provides for grant awards to higher education institutions to establish one or more Centers for Research on Aviation Training;
- Establishes a program of scholarships for full-time graduate students in aeronautical engineering; and
- Directs NASA to enter into an arrangement with the National Research Council of the National Academy of Sciences to review and evaluate NASA s various education programs.

Additional Provisions of Note

H.R. 3070 gives state and local law enforcement, at the discretion of the Administrator, jurisdiction over NASA-owned research centers to allow for enforcement of local laws such as speeding and drunk driving.

H.R. 3070 directs the President to establish two, 15-member independent commissions. One commission will assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment. The other commission will investigate any incident that results in the loss of a Space Shuttle, the International Space Station or various other space craft and crew members.

Outsourcing - Unless there is a prior contract or an international agreement, the bill prohibits NASA from:

1. Outsourcing contracts (under OMB Circular A-76) if the activity or function is performed by the contractor or any subcontractor at a location outside the United States, except with a Presidential national security waiver or if the NASA Administrator determines essential goods or services under the contract are only available from a source outside the United States.
2. Having a contract performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

Administrative Policy: According to a July 21, 2005, Statement of Administrative Policy, the Administration supports passage of H.R. 3070. However, the Administration expressed the following serious concerns with several provisions, stating that they must be satisfactorily addressed prior to final congressional action on reauthorization legislation:

- several provisions related to the International Space Station (ISS) interfere with effective implementation of United States policy and preclude the flexibility needed for NASA to manage the program consistent with the Vision;
- the Manager's Amendment would authorize a total funding level for NASA in FY 2006 exceeding the President's Budget by over \$500 million, including an increase above the request for Aeronautics of \$110 million and for the Hubble and Webb space telescopes by \$270 million. **The Administration objects to these specific increases, all of which are contrary to the President's Budget;**
- authorized funding in the Manager's Amendment for FY 2007 also is more than \$760 million above NASA's planned budget, including significantly more funding than requested for Aeronautics. **The Administration objects to these specific increases, all of which are contrary to the President's Budget;**
- [the Administration] urges amendment of section 105(a) by adding an additional exception to the foreign launch ban that allows such launches when directed by the President ;
- the ISS Independent Safety Commission and the Human Space Flight Independent Investigation Commission required by Title VIII conflict with the constitutional separation of powers and the constitutional authority of the President to supervise the unitary Executive Branch;

- [the Administration] is concerned about the number of reports and studies that this legislation would require. The Administration understands the need for timely information for Congress to conduct its oversight responsibilities; however, the burden that would be placed on various agencies of the Executive Branch of having to complete dozens of new reports and studies, many of them recurring, would require diversion of staff and resources from the agency's core missions (emphasis added).

Committee Action: H.R. 3070 was introduced in on June 27, 2005, and referred to House Committee on Science, which considered it, held a mark-up, and reported it to the House by a voice vote on July 18, 2005.

Cost to Taxpayers: Authorizes \$16.47 billion for FY06 and \$16.9 billion for FY07, for a total of \$33.43 billion over two years. The authorized amount for FY06 is equal to the NASA appropriations for FY06, which passed the House on June 16, 2005, and is awaiting Senate action. A CBO cost estimate is not available.

According to the Committee, “Due to time constraints, neither a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974, nor a statement required by section 308(a) of the Congressional Budget Act of 1974 were included in the report as required by House rule XIII, clauses 3(c)(2) and (3).”

Constitutional Authority: The Committee finds authority in Article I, Section 8 (powers of Congress), but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

Does the Bill Expand the Size and Scope of the Federal Government?: No

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No

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